



Texas General Land Office
Commissioner Dawn Buckingham, M.D.
1700 North Congress Avenue
Austin, Texas 78711-2873

GUIDELINES FOR LEASING STATE OR COUNTY ROADS

- Use the Application for Leasing State or County Roads. If the road being leased is designated as State ROW ["SH", "FM", or "US Hwy"] then a lease will be issued using the State ROW Lease form. If the road being leased is designated as a county road or named road ["CR", "Oak Street"] then a lease will be issued using the County ROW Lease form. **Note: If a deed is to the county, but the road became a State road; it will be leased under State roads guidelines and issued a State ROW Lease.**
- The company applying for the lease must have control of the minerals under tracts adjacent to the roadway either by lease, assignment, or Waiver to Lease. The unleased adjacent mineral owner has a preferential right to lease the portion of roadway adjacent to their tract. If the owner does not wish to lease, a "*Waiver of Preferential Right to Lease*" should be obtained. If the adjacent owner will not sign a waiver or a lease, then after 120 days have passed after being sent the "Waiver", the company seeking the lease may obtain the lease by submitting the proof of seeking the waiver. Send the "*Notice of Intent to Lease State or County ROW*" to the mineral owner when seeking a waiver to lease.
- The State and County receive the highest bonus and royalty of any adjacent leases to the ROW. If the adjacent tracts are HBP, then the "going rate" should be submitted. HROW leasing requires submission of the "*Affidavit of Highest Consideration Paid*".
- No surface use shall be allowed under the provisions of the State or County Road lease.
- Specifics related to the County Lease:
 - Mineral interests conveyed with land acquired for a right of way are owned by the State. House Bill 2521 passed during the 84th Legislative Session, requires that the bonus and revenue derived from a lease on county-maintained roads, be paid directly to the county.
 - Roads crossing county lines require separate applications, bonus, and fees for each county and separate leases will be issued for each county.
- The County bonus should be paid directly using the "County Bonus Form". Send the form with payment to the County Judge office and request return receipt to the email address listed on the bonus form.
- A lease will be issued only after the School Land Board approves the lease and the following financial requirements have been met. Send separate checks for each need.
 - Bonus:
 - For State, make it payable to Commissioner of General Land Office.
 - For County, pay directly to the County.
 - Statutory sales fee equal to 1.5% of the bonus payment (for State or County bonus) payable to the Commissioner of General Land Office.
 - \$500.00 application fee (State or County) payable to the Commissioner of General Land Office.

Pooling a State ROW: A state right of way lease provides pooling authority. When a lease is pooled, the following must be provided to the GLO within thirty (30) days of Designation of Pooled Unit being filed of record:

1. Completed "*State Right of Way and/or County Road Unit Designation form*".
2. Copy of recorded original Designation of Pooling Unit (DPU), and any/all corrections and amendments.
3. Copy of unit plat with State and County tracts included in the DPU highlighted.
4. \$500.00 Unit Processing Fee (payable to: Commissioner of General Land Office)

NOTE: If the State or County owns the surface of a highway or road on Relinquishment Act Land, a lease may be obtained by sealed bid or pooled under Natural Resource Code 32.207.

All quoted/italicized forms may be found on the website.